

## NAYS—7.

Abercrombie,      Harrison.  
 Claiborne,        Knittle,  
 Douglass of G,    Woods.  
 Gregg,

## ABSENT—1.

Stinson.

Substitute House bill No 24:

"An act to extend the time within which bonds that have been sold for taxes and bought in by the State may be redeemed," was taken up and read second time with committee amendments, and committee amendments were adopted, and bill was passed to third reading.

On motion of Senator Pope,

The Senate adjourned till 10 o'clock to-morrow morning.

## FORTY-SEVENTH DAY.

SENATE CHAMBER.

AUSTIN, March 5, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain Dr. Smoot.

On motion of Senator MacManus,

The reading of the Journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

## BY SENATOR UPSHAW:

Memorial from citizens of Hill county, asking that manufacturies be exempted from taxation.

Referred to Committee on Finance.  
 And

Petition from citizens of Johnson county asking liberal aid in behalf of the active militia of the State of Texas.

Referred to Committee on Military Affairs.

And,

Petition from firemen of Houston asking to be exempt from road service, road and street tax and poll tax.

Referred to Judiciary Committee No. 1.

## BY SENATOR CLAIBORNE:

Memorial from citizens of Matagorda county asking to have manufactories exempted from taxation.

Referred to Committee on Finance.

## BY SENATOR WOODWARD:

Petition of citizens of Karnes county, asking sufficient appropriation for the maintenance of the frontier battalion.

Referred to Committee on Military Affairs.

## BY SENATOR KNITTLE:

Petition of citizens of Waller county praying the Legislature to make appropriation to maintain the State voluntary guards.

Referred to Committee on Military Affairs.

## BY SENATOR BURNEY:

Petition from citizens of Presidio county, asking for appropriation to maintain State ranger force.

Referred to Committee on Military Affairs.

## BY SENATOR LANE:

Petition of commissioners court of Fayette county to change road law.

Referred to Committee on Roads and Bridges.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES, }  
 AUSTIN, TEXAS, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has adopted the report of the conference committee on the disagreement of the two houses on House bill No. 295, known as the deficiency appropriation bill, which report asks for a free conference, and Messrs. Gresham, Mills and Bell of Denton, have been appointed as such committee upon the part of the House.

WILL LAMBERT.

Chief Clerk House of Representatives.

## REPORTS OF STANDING COMMITTEES.

## BY SENATOR GLASSCOCK:

COMMITTEE ROOM, }

AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committed on Education, to whom was referred Senate bill No. 295, entitled:

An act entitled 'an act to repeal an

act entitled 'an act to prevent the forfeiture of the rights of purchasers of public free school, university or asylum lands passed by the Nineteenth Legislature, and approved February the 23rd. 1885,' have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GLASSCOCK, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Education, to whom was referred Senate bill No. 294, entitled:

"An act to amend an act to amend sections 9 and 10 of an act entitled an act to provide for the classification sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb and orphan asylum funds." have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

GLASSCOCK, chairman.

Bill read first time.

BY SENATOR FRANK:

SENATE CHAMBER, }  
AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills, have carefully examined Substitute Senate bill No. 44, entitled:

"An act to require railway corporations, when they fence their right of way, or when they have already fenced it, to leave, or make certain crossings or openings therein, and to provide a penalty for the violation thereof," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }  
AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined Senate substitute bill No. 166 entitled:

"An act to relieve the citizens of Calhoun county from the payment of taxes due to the State of Texas for the year A. D. 1886," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }  
AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 249, entitled:

"An act to provide for the venue of suits for damages growing out of attachment and sequestration suits," and find the same correctly engrossed.

FRANK, chairman.

BY SENATOR DOUGLASS OF JEFFERSON:

SENATE CHAMBER, }  
AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Public Health to whom was referred Senate bill No. 245, entitled:

"An act to amend an act entitled 'an act to enable municipal authorities of towns and cities and commissioners' courts of the counties wherein such cities and towns are situated to co operate with each other in improvements connected with the town or city and county necessary to promote the sanitary regulations thereof,'" approved July 4, 1879 and to add sections 2, 3 and 4, thereto, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

DOUGLASS of Jefferson, chairman.

Bill read first time.

BY SENATOR M'DONALD:

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Judicial Districts, to whom was referred Senate bill No. 306, entitled:

"An act to amend an act entitled 'an act to redistrict the State into judicial districts, and to provide for the election of judges and district attorneys for said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883, be-

ing chapter 67, General Laws, Eighteenth Legislature," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD, chairman.

Bill read first time.

BY SENATOR JARVIS:

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }  
*Hon. T. B. Wheeler, President of the Senate and Hon. Geo. C. Pendleton, Speaker of the House of Representatives:*

The conference committee appointed by the two houses to consider the difference between the Senate and House of Representatives on substitute House bill No. 295, entitled:

"An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the government from March 1, A. D. 1885, to February 28, A. D. 1887, being for payment of claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and other deficiencies," have considered the same, and have to report that they cannot agree, and ask that a free conference committee be appointed.

All of which is respectfully submitted.

JARVIS,  
GARRISON,  
FRANK,  
For the Senate.  
MILLS,  
GRESHAM,  
BELL of Denton,  
For the House.

The report of the committee was adopted, and Senators Jarvis, Garrison and Frank were appointed on said free conference committee.

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Finance, to whom was referred House bill No. 383, entitled,

"An act to release certain inhabitants of Sabine Pass City, county of Jefferson, from the payment of taxes assessed and now due for the year A. D., 1886, in consequence of a great

public calamity," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Finance, to whom was referred Senate bill No. 301, entitled:

"An act for the relief of C. L. Thurmond, sr., sheriff of Victoria county," have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS, chairman.

BY SENATOR POPE:

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir — Your Committee on Public Lands, to whom was referred Senate bill No. 290, entitled:

"An act amendatory of, and supplementary to an act entitled 'an act to incorporate the city of Galveston, and to grant a new charter, approved August 2, 1876, and amended April 5, 1881, March 7, 1883 and February 26, 1885, by adding thereto title No. 13, authorizing the construction of sea walls and break waters, and for that purpose authorizing the exercise of the right of eminent domain, the issuance of bonds and the levy of a tax, and granting in aid of said works certain portions of the public domain, and certain rights and privileges in and to the land upon the gulf shore opposite said city, from the line of ordinary high tide to the eight-foot curve under the waters of the gulf,'" have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the accompanying amendments.

All of which is respectfully submitted.

POPE, chairman.

Bill read first time.

Amendments to Senate bill No. —, entitled:

"An act amendatory and supple-

mentary to 'an act to incorporate the city of Galveston, etc.'"

1. Amend caption by striking out the words "certain portions of the public domain and —."

2. Amend caption by striking out the words "from the line of ordinary high tide to the 8 foot curve under the waters of the gulf" and insert in lieu thereof the words "from the southwest corner of the city league to the east end of Galveston island."

3. Amend section 183, by adding at the close thereof the words, "and provided further that said bonds shall not be sold below their par or face value."

4. Amend section 185, strike out in line 8 of said section the words "at least two" insert in lieu thereof the word "all."

5. Amend section 185, by striking out the words "or for payment for construction" (near the end of said section and following the word "delivery.")

6. Amend section 186, by striking out the words "the land under the waters of the gulf from the eastern end of Galveston island to a point opposite the southwest corner of the Menard or city league and from the line of ordinary high tide along the shore to the eight foot line or curve of the sea bottom in the gulf." and insert in lieu thereof the words "that certain strip or tract of land or sea bottom fifteen hundred yards in width lying along the gulf shore south of and contiguous to the line of mean low tide and extending from the south jetty at the east end of Galveston island to the prolongation of the western line of the Menard or city league."

7. Amend the bill by striking out section No. 187, and changing the number of the succeeding section so as to read section 187.

8. Amend the bill by adding at the close thereof:

"Section 2, Whereas the necessity for the speedy construction of the protective works herein authorized, creates an emergency calling for the suspension of the constitutional rule requiring bills to be read on three several days, and for the immediate operation of this act, said rule shall be and is hereby suspended, and this act shall take effect and be in force from and after its passage."

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Public

Lands, to whom was referred Senate bill No. 305, entitled: "An act to authorize the Governor to make contract in behalf of the State, with such council as he deems proper, to represent the State in pending suits away from the capital, in suits he may direct to be brought concerning lands in which the State has or may have an interest," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Public Lands, to whom was referred Senate bill No. 283, entitled,

"An act to provide for the exchange between the State and other owners of alternate sections of irrigable lands, situated in El Paso, Pecos and Reeves counties, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE, chairman.

Bill read first time.

BY SENATOR BELL:

COMMITTEE ROOM, }  
AUSTIN, March —, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 2, to whom was referred House bill No. 27, entitled:

"An act to prohibit the watering of stocks and bonds by railroad corporations, and to provide penalties for a violation of the same," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to the Committee on Internal Improvements.

All of which is respectfully submitted.

BELL, chairman.

The bill was ordered referred to Committee on Internal Improvements.

## BY SENATOR LANE:

COMMITTEE ROOM, }  
 AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

We the undersigned a minority of Judiciary No. 1, to whom was referred House bill No. 75, beg leave to dissent from the majority report and in behalf of the minority after having carefully considered said bill, recommend that it do pass.

We realize the fact that Galveston is a large and wealthy city, and the most important part of Texas. One wherein large deposits of money are made by the people from all parts of the State, and is also the place where large amounts of cotton and other produce is shipped and stored by the people of the interior to be held for better prices.

That it is a city which is often visited by people from all parts of the world and by people from all parts of this State, and from which sickness is liable to spread throughout the State.

For the above reasons we think that it is highly important that the charter of said city should empower the city counsel to provide an efficient system of water works and a perfect system of drainage, to the end that the city may be protected from the spread of fire as far as possible, and thereby reduce insurance, and insure the safety of property of both the citizens of the city, and of those who deposit and store property there. We also believe that such water works and drainage will greatly increase the health of the city, and tend largely to prevent the spread or introduction of infectious diseases, thereby proving of great benefit, both to the citizens of the city and the State at large.

We believe that such a city should have an ample and sufficient supply of fresh water, which we are now satisfied they have not. We cannot see how the city or the people thereof can be injured by granting to the city council, by a two thirds vote, to provide said city with such a system of water works and drainage, believing that said city can and will elect a board of aldermen who will have the interest of the people at heart, and who will not unjustly and foolishly oppress the people.

We therefore submit this report and ask that it be adopted, instead of the majority report.

LANE.

## BILLS AND RESOLUTIONS.

## BY SENATOR M'DONALD:

Resolved, That the President of the Senate do appoint three persons as special sergeants-at-arms, to execute process for the special committee appointed to investigate charges against Judge Frank Willis, and that said committee be authorized to employ a stenographer to take testimony in said matter.

Adopted.

## BY SENATOR GLASSCOCK:

Resolved, That the joint committee appointed to visit the State schools at Bryan, Huntsville and Prairie View, be allowed to employ a clerk, to receive the same pay as other clerks of the Legislature, for the time employed by said committee.

Adopted by the following vote:

## YEAS—20.

Abercrombie,	Harrison,
Allen,	Jarvis,
Bell,	Knittle,
Burges,	MacManus,
Claiborne,	Pope,
Douglass of G,	Simkins,
Field,	Stinson,
Frank,	Upshaw.
Garrison,	Woods.
Glasscock,	Woodward.

## NAYS—8.

Burney,	Houston,
Calhoun,	Lane,
Camp,	McDonald,
Douglass of J,	Terrell.

## ABSENT—1.

Gregg.

## BY SENATOR LANE:

A bill to be entitled

"An act to amend Article 1099, title 15, chapter 4, of the Code of Criminal Procedure."

Referred to Judiciary Committee No. 2.

And

A bill to be entitled

"An act to amend title 1, Articles 1 and 2, of the Revised Civil Statutes, and to add to said title Article 2a."

Referred to Judiciary Committee No. 1.

## BY SENATOR CLAIBORNE:

A bill to be entitled

"An act to amend the charter of the

city of Galveston by amending section 127 thereof, and by adding sections 131a and 132a."

Referred to Judiciary Committee No. 1.

BY SENATOR UPSHAW:

"A bill to exempt firemen from payment of poll tax and road or street tax, and from service on roads or streets.

Referred to Judiciary Committee No. 1.

On motion of Senator Abercrombie, Senate bill No. 114,

"An act authorizing wills and testaments and testamentary instruments of any character which have been probated in any other State or Territory of the United States, to be recorded as muniments of title to real property in this State conveyed thereby," was taken up and read third time.

SENATOR BELL

Moved to amend by adding section 5.

Section 5. The near approach of the close of the session creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended.

Adopted by the following vote:

YEAS—26.

Abercrombie,	Glasscock,
Allen,	Gregg,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Woods,
Garrison,	Woodward.

ABSENT—2.

Houston, Upshaw.

The bill was passed.

On motion of Senator McDonald, Senate bill No. 205,

"An act to insure the speedy collection of fines in misdemeanor cases, and to make the officers charged with the collection thereof civilly and criminally liable for a failure to collect the same," was taken up and read second time, with favorable report.

SENATOR M'DONALD

Spoke in favor of the bill, and Senator Camp against it.

SENATOR GREGG

Moved to amend by inserting after second word "or," in line 5, section 3, the following: "Who shall permit such defendant."

SENATOR GREGG

Explained the amendment and it was adopted.

SENATOR POPE

Moved to strike out in line 5, section 3, "or who shall permit such person to go at large," and in lines 6, 7, 8 and 9, from word "or," in line 6, down to and including "accident," in line 9.

SENATORS POPE, CAMP, BURGESS AND GLASSCOCK

Spoke in favor of the amendment, and

SENATORS M'DONALD AND DOUGLASS OF JEFFERSON

Opposed it.

The amendment was adopted by the following vote:

YEAS—20.

Abercrombie,	Houston,
Allen,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	MacManus,
Camp,	Pope,
Field,	Simkins,
Frank,	Stinson,
Garrison,	Upshaw.
Glasscock,	Woodward.

NAYS—7.

Bell,	Gregg,
Claiborne,	McDonald,
Douglass of J,	Woods.
Douglass of G,	

ABSENT—2.

Harrison, Terrell.

On motion of Senator McDonald, Senator Harrison was excused for the day.

SENATOR LANE

Moved to amend section 1 by striking

out all after the word "officer," in line 2, down to the word "convicted," in line 4, and insert the words "in whose charge any person convicted of a misdemeanor is placed by the court trying the case."

SENATOR LANE

Spoke for the amendment and it was adopted.

SENATOR CLAIBORNE

Moved to strike out the enacting clause.

Adopted by the following vote:

YEAS—14.

Bell,	Houston,
Burney,	McDonald,
Claiborne,	Pope,
Douglass of J,	Stinson.
Douglass of G,	Terrell,
Field,	Upshaw.
Gregg,	Woods.

NAYS—13.

Abercrombie,	Javis,
Allen,	Knittle,
Burges,	Lane,
Camp,	MacManus,
Frank,	Simkins,
Garrison,	Woodward.
Glasscock,	

ABSENT—1.

Calhoun.

On motion of Senator Bell,  
Senate bill No. 271,

"An act requiring sheriffs to report to the Adjutant General upon the adjournment of the District Courts in the several counties of this State certified lists of all fugitives under indictment for a felony in said counties, to provide the means and mode of securing such lists, and to prescribe the punishment for a failure or refusal to forward them," was taken up and read second time, with favorable report.

SENATOR BELL

Moved to amend by adding to section 1, the words "so far as the sheriff now be able to give them, shall state the offense with which such person is charged."

SENATOR BELL

Explained the amendment and it was adopted and the bill was ordered engrossed.

On motion of Senator Burney,  
House bill No. 228.

"An act to create the counties of Albion, Hayne, Jeff Davis and Prentiss out of Presidio county," was taken up, read second time with committee amendments.

The committee amendments were acted on severally and adopted.

SENATOR BURNEY

Offered the following amendment:

Amend section 1, by striking out all of lines 9 and 16, inclusive, and insert therefor the following:

"Beginning at the northwest corner of Brewster county, thence in a westwardly direction to the southeast corner of El Paso county on the Rio Grande river; thence along the line of El Paso county northwardly to the corner of El Paso and Reeves county; thence southeastwardly along the north boundary line of Presidio county to the northeast corner of Brewster county; thence southwestwardly along the north boundary line of Brewster county, to the place of beginning."

SENATORS BURNEY AND TERRELL

Favored the amendment, and

SENATORS POPE, SIMKINS AND  
STINSON

Opposed the amendment.

It was adopted by the following vote:

YEAS—17.

Bell,	Glasscock,
Burges,	Gregg.
Burney,	Houston,
Claiborne,	Knittle,
Douglass of J.	Lane,
Douglass of G,	McDonald,
Field,	Terrell,
Frank,	Woods.
Garrison,	

NAYS—9.

Abercrombie,	Pope,
Allen,	Simkins,
Calhoun,	Stinson,
Camp,	Woodward.
Jarvis,	

ABSENT—2.

MacManus, Upshaw.

SENATOR CLAIBORNE

Moved to amend by striking out "Jeff Davis," and inserting "Bunton."

On motion of Senator Stinson,  
The amendment was laid on table by  
the following vote:

YEAS—21.

Abercrombie,	Garrison,
Allen,	Gregg,
Bell,	Houston,
Burges,	Knittle,
Burney,	McDonald,
Calhoun,	Pope,
Camp,	Simkins,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Woodward,
Frank,	

NAYS—5.

Claiborne,	Lane,
Glasscock,	Woods.
Jarvis,	

ABSENT—2.

MacManus, Upshaw,

SENATOR BURNEY

Moved to amend by striking out all in said bill pertaining to the creation and description of Prentiss county, and to strike out the word "Prentiss" wherever it occurs in said bill, or the caption thereon.

Adopted.

SENATOR BURNEY

Moved to amend the caption so as to read as follows:

"An act to create the counties of Buchel, Foley and Jeff Davis out of the county of Presidio.

Adopted.

As amended the bill was passed to third reading.

On motion of Senator Woods,

The constitutional rule requiring bills to be read on three several days was suspended and the bill was placed on its third reading and final passage by the following vote:

YEAS—24.

Abercrombie,	Glasscock.
Allen,	Gregg,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Woods,
Garrison,	Woodward.

NAYS—2.

Claiborne, Houston.

ABSENT—2.

MacManus, Upshaw.

The bill was read third time and passed by the following vote:

YEAS—25.

Abercrombie,	Gregg,
Allen,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Woods,
Garrison,	Woodward.
Glasscock,	

NAYS—1.

Claiborne.

ABSENT—2.

MacManus, Upshaw.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has passed the following bill:

House bill No. 219.

"An act to validate the purchase by Pierce Johnson from the State of Texas of certain school sections of land lying in LaSalle county.

WILL LAMBERT, chief clerk,  
House of Representatives.

SENATOR HOUSTON

Entered a motion to reconsider the vote by which Senate bill No. 225 was lost.

On motion of Senator Woods,  
Senate bill No. 249,

"An act to provide for the venue of suits for damages, growing out of attachment and sequestration suits," was taken up, read third time and

Passed by the following vote:

YEAS—26.

Abercrombie,	Houston,
Allen,	Jarvis,
Bell,	Knittle



Burges,	Lane,
Burney,	McDonald,
Calhoun,	MacManus,
Camp,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woods,
Glasscock,	Woodard.

NAYS—2.

Claiborne, Gregg.

On motion of Senator Douglass of Jefferson,  
House bill No. 383,  
Reported favorably this day by Finance Committee, was taken up out of its regular order.

On motion of Senator Bell,  
The Constitutional rule was suspended, and the bill placed on its second reading by the following vote:

YEAS—28.

Abercrombie,	Gregg,
Allen,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woods,
Glasscock,	Woodward.

ABSENT—1.

Armistead,

The bill was read second time and passed to third reading.

On motion of Senator Douglass of Jefferson,

The Constitutional rule was suspended and the bill was placed on its third reading and final passage, by the following vote:

YEAS—27.

Abercrombie,	Gregg,
Allen,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,

Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.
Glasscock,	

NAYS—none.

ABSENT—1.

Simkins.

The bill was read third time and passed by the following vote:

YEAS—27.

Abercrombie,	Gregg,
Allen,	Houston,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManus,
Claiborne,	Pope,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.
Glasscock,	

NAYS—none.

ABSENT—1.

Simkins.

THE PRESIDENT

Announced the appointment of J. H. Dills, O. Fisher and H. T. Prater as special sergeant-at arms to get witnesses in the Willis case.

On motion of Senator Frank,  
Senate bill No. 166.

"An act to relieve the citizens of Calhoun county from the payment of taxes due to the state of Texas for the year A. D. 1886," was taken up, read third time and passed by the following vote:

YEAS—26.

Abercrombie,	Glasscock,
Allen,	Gregg,
Bell,	Houston,
Burges,	Jarvis,
Burney,	Knittle,
Calhoun,	Lane,
Camp,	McDonald,
Claiborne,	MacManus,
Douglass of J.,	Pope,
Douglass of G,	Stinson,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woods.

NAYS—none.

ABSENT—1.

Simkins.

On motion of Senator Lane, Senator Woodward was excused from voting on the bill, he having a direct personal interest in it.

On motion of Senator Lane, Senate bill, No. 44.

"An act to require railway corporations when they fence their right of way, on where they have already fenced it, to leave or make certain crossings or openings therein, and to provide a penalty for a violation thereof," was taken up read third time and was passed.

On motion of Senator Glasscock, Senate bill No. 144.

"An act to amend Articles 2432 and 2433, chapter 43, of the Revised Civil Statutes," was taken up and read second time.

SENATOR STINSON

Moved to

Amend by inserting in line 2, section 1, after the word "another," the following: "which is surrounded by a lawful fence."

SENATOR STINSON

Explained his amendment, and it was adopted.

SENATOR ALLEN

Offered the following amendment:

In lines 11 and 12, section 1, after the words "family" and "age," add, "in writing."

SENATOR ALLEN

Explained the amendment and it was adopted.

SENATOR BURGESS

Moved to amend by adding:

"Article 2434. Where ever money has been paid over to the county treasurer of any county under the provisions of this act, the owner of the stock sold shall, upon satisfactory proof before the county judge of such county, be entitled to have refunded the amount so paid to said treasurer, which shall be paid by the county treasurer upon the order of such county judge, provide said proof be made within two

years from the time when said moneys is paid to the county treasurer."

SENATOR BURGESS

Explained the amendment and it was adopted.

SENATORS GLASSCOCK AND BURGESS

Favored the passage of the bill, and Senator Terrell opposed it.

The bill was ordered engrossed by the following vote:

YEAS—14.

Allen,	Garrison,
Bell,	Glasscock.
Burgess,	Houston,
Burney,	Knittle,
Douglass of G,	Lane,
Field,	Pope,
Frank,	Woodard.

NAYS—11.

Abercrombie,	McDonald,
Camp,	Stinson,
Claiborne,	Terrell,
Douglass of J,	Upshaw.
Gregg,	Woods.
Jarvis,	

ABSENT—3.

Calhoun,	Simkins,
MacManus,	

On motion of Senator Allen, The Senate adjourned till 3:30 o'clock p. m.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

SENATOR SIMKINS

Offered the following resolution:

Resolved, That the President of the Senate is hereby authorized to draw the sum of (\$300) three hundred dollars, or so much as in his judgment is necessary out of the contingent fund of the Senate to pay the expenses of the special deputy sergeant at arms engaged in serving processes on the witnesses in the case of Judge Frank Willis.

Adopted.

The following bills were sent up by leave:

BY SENATOR LANE:

A bill to be entitled  
 "An act to amend Article 4390a, of  
 an act approved February 5, 1884.  
 Referred to Judiciary Committee  
 No. 1.

BY SENATOR GLASSCOCK:

A bill to be entitled  
 "An act to define the University of  
 Texas and its branches, and to perfect  
 its organization and to give the Re-  
 gents of the said University control of  
 its branches and of its lands."  
 Referred to Committee on Public  
 Lands.  
 By leave the following reports were  
 sent:

BY SENATOR BELL:

COMMITTEE ROOM, }  
 AUSTIN, March 5, 1887. }  
*Hon. T. B. Wheeler, President of*  
*the Senate:*

Sir—Your Judiciary Committee No.  
 2, to whom was referred House bill  
 No. 175, entitled:

"An act to amend Articles 1063 and  
 1064 of the Code of Criminal Procedure  
 of the State of Texas, which Articles  
 relate the compensation of jurors  
 empaneled in felony cases in the dis-  
 trict court," have had the same under  
 consideration, and instruct me to re-  
 port it back to the Senate with the  
 recommendation that it do pass.

All of which is respectfully submit-  
 ted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
 AUSTIN, March 5, 1887. }  
*Hon. T. B. Wheeler, President of*  
*the Senate.*

Sir—Your Judiciary Committee No.  
 2, to whom was referred House bill  
 No. 129, entitled:

"An act to amend article 339, chap-  
 ter 4, title 10, of the Penal Code," have  
 had the same under consideration, and  
 instruct me to report it back to the  
 Senate with the recommendation that  
 it do pass with the accompanying  
 amendment:

COMMITTEE AMENDMENT.

Add to section 1, "or to which per-  
 sons resort for the purpose of smoking  
 opium."

All of which is respectfully submit-  
 ted.

BELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
 AUSTIN, March 5, 1887. }  
*Hon. T. B. Wheeler, President of the*  
*Senate:*

Sir—Your Judiciary Committee No.  
 2, to whom was referred House bill  
 No. 103, entitled:

"An act to create Article 669a, title  
 8, chapter 5, of the Code of Criminal  
 Procedure of the State of Texas, so as  
 to provide the order in which defend-  
 ants, charged with the same offense,  
 shall be tried," have had the same  
 under consideration, and instruct me  
 to report it back to the Senate with  
 the recommendation that it do pass.

All of which is respectfully submit-  
 ted.

BELL, chairman.

Bill read first time.

BY SENATOR TERRELL:

COMMITTEE ROOM, }  
 AUSTIN, March 4, 1887. }  
*Hon. T. B. Wheeler, President of the*  
*Senate:*

Sir—Your Judiciary Committee No.  
 1, to whom was referred Senate bill  
 No. 291, entitled:

"An act to authorize any city or town  
 in this State to compromise existing  
 indebtedness and to issue new bonds  
 to be sold or exchanged for this pur-  
 pose, and to provide for the efficient  
 collection of taxes to pay the principal  
 and interest of such new bonds, and to  
 provide for the appointment of receiv-  
 ers for said municipal corporation dur-  
 ing the pendency of negotiations for  
 such compromise," have had the same  
 under consideration, and instruct me  
 to report it back to the Senate with  
 the recommendation that it do pass.

All of which is respectfully submit-  
 ted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
 AUSTIN, March 4, 1887. }  
*Hon. T. B. Wheeler, President of the*  
*Senate:*

Sir—Your Judiciary Committee No.  
 1, to whom was referred Senate bill  
 No. 304, entitled:

"An act to fix the venue in suits for  
 the recovery of damages for libel," have  
 had the same under consideration, and

instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, March 4, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 128, entitled:

"An act to authorize cities, counties and towns to compromise and adjust certain bonded indebtedness, and to provide for the levy and collection of taxes to pay the interest and sinking fund," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

Substitute House bill No. 24.

"An act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed," was laid before the Senate, read third time and passed by the following vote:

YEAS—26.

Abercrombie,	Glasscock,
Allen,	Gregg,
Bell,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	MacManuas,
Claiborne,	Pope,
Douglass of J,	Stinson,
Douglass of G,	Terrell,
Field,	Upshaw,
Frank,	Woods,
Garrison,	Woodward.

NAYS—1.

Simkins.

ABSENT—1.

Houston.

(Senator Burney in the chair.)

House bill No. 31:

"An act to require railroads to pay their employees, and prescribe a pen-

alty for failure to sopay them," was laid before the Senate and read second time with a committee amendment.

The committee amendment was adopted.

SENATOR ALLEN

Made an argument against the bill.

SENATOR POPE

Made an argument in favor of the amendment.

SENATOR POPE

Moved to amend section 1 by adding "provided that there be no contract to the contrary,"

And spoke in favor of it.

SENATOR ABERCROMBIE

Offered the following substitute for the amendment:

Amend by striking out of section 1 the words "at least as often as monthly," and insert the following words: "Promptly according to contract."

Accepted and adopted.

SENATOR ALLEN

Moved to amend as follows:

After "railroad," in line 1, section 2, add "or any other company."

SENATOR LANE

Moved to amend the amendment as follows:

Amend by adding after the words "railroad company," wherever it occurs in the title, the words "corporation, firm or person."

Accepted.

SENATORS GREGG AND FIELD

Opposed the amendment,

And

SENATORS ALLEN, M'DONALD, JARVIS  
AND LANE

Favored it.

SENATOR SIMKINS

Moved to amend amendment by striking out "firm or person," so that the substitute will read "railroad company or other corporations."

(The president in the chair.)

The amendment to the amendment was adopted by the following vote:

## YEAS—13.

Abercrombie,	Knittle,
Burney,	MacManus,
Camp,	Pope,
Field,	Simkins,
Frank,	Upshaw,
Garrison,	Woods.
Glasscock,	

## NAYS—12.

Allen,	Jarvis,
Bell,	Lane,
Calhoun,	McDonald,
Claiborne,	Stinson,
Douglass of G,	Terrell.
Gregg,	Woodward.

## ABSENT—2.

Burges,	Houston.
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The amendment as amended was adopted by the following vote:

## YEAS—17.

Bell,	McDonald,
Burney,	MacManus,
Calhoun,	Pope,
Field,	Simkins,
Frank,	Stinson,
Garrison,	Upshaw,
Glasscock,	Woods,
Jarvis,	Woodward.
Knittle,	

## NAYS—10.

Abercrombie,	Douglass of J,
Allen,	Douglass of G,
Burges,	Gregg,
Camp,	Lane,
Claiborne,	Terrell.

## ABSENT—1.

Houston.

On motion of Senator Lane,  
Senator Houston was excused till  
Tuesday morning.

## SENATOR GREGG

Moved to

Amend by striking out word "rail-  
road," and insert in lieu thereof words  
"railroad companies" and other cor-  
porations.

Adopted.

## SENATOR GLASSCOCK

Offered the following amendment:

Amendment to the engrossment rider  
No. 2. After the word "company"

add: "where such employe resides  
upon the presentation of his time  
check for his services."

Lost.

## SENATOR WOODS

Moved to strike out section 1.

Lost by the following vote:

## YEAS—12.

Allen,	McDonald,
Calhoun,	Stinson,
Claiborne,	Terrell,
Douglass of G,	Upshaw,
Jarvis,	Woods,
Lane,	Woodward.

## NAYS—15.

Abercrombie,	Garrison,
Bell,	Glasscock,
Burges,	Gregg,
Burney,	Knittle,
Camp,	MacManus,
Douglass of J.,	Pope,
Field,	Simkins.
Frank,	

The bill was passed to third reading  
by the following vote:

## YEAS—15.

Abercrombie,	Garrison,
Bell,	Glasscock,
Burges,	Gregg,
Burney,	Knittle,
Camp,	MacManus.
Douglass of J,	Pope,
Field,	Simkins.
Frank,	

## NAYS—12.

Allen,	McDonald,
Calhoun,	Stinson,
Claiborne,	Terrell,
Douglass of G.	Upshaw,
Jarvis,	Woods,
Lane,	Woodward.

## ABSENT—1.

Houston,

Substitute House bill No. 32.

"An act to provide for the charging  
of the estate of a deceased person by  
virtue of the joint obligation of such  
deceased person with another," was  
before the Senate and read second time  
with favorable report.

## SENATOR BURGESS

Moved to adjourn till 10 o'clock Mon-  
day morning.

Lost by the following vote:

YEAS—8.

Burges,	MacManus,
Douglass of G.,	Pope,
Garrison,	Simkins,
Knittle,	Stinson.

NAYS—18.

Abercrombie,	Frank,
Allen,	Gregg,
Bell,	Jarvis,
Burney,	Lane,
Calhoun,	McDonald,
Camp,	Terrell,
Claiborne,	Upshaw,
Douglass of J.,	Woods,
Field,	Woodward.

ABSENT—1.

Glasscock.

SENATOR FRANK

Sent up the following privileged report:

SENATE CHAMBER. }  
March 5, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined Senate bill No. 307, entitled:

"An act to amend sections 7 and 8, of an act entitled 'an act to provide for the relief of citizens of Texas suffering by reason of the drouth, to make an appropriation therefor, and to prescribe the manner in which it shall be distributed, approved January 31, A. D., 1887,' and find the same correctly engrossed.

FRANK, chairman.

SENATOR TERRELL

Moved to adjourn till 10:30 o'clock Monday morning.

Lost by the following vote:

YEAS—7.

Calhoun,	Terrell,
Garrison,	Upshaw,
Simkins,	Woods.
Stinson,	

NAYS—18.

Abercrombie,	Frank,
Allen,	Gregg,
Bell,	Jarvis,
Burges,	Knittle,

Burney,	Lane,
Camp,	McDonald,
Claiborne,	MacManus,
Douglass of J,	Pope.
Field,	Woodward.

ABSENT—2.

Douglass of G, Glasscock.

SENATOR LANE

Moved to adjourn till 10:35 o'clock Monday morning.

Lost.

SENATOR STINSON

Moved to adjourn till 10:25 o'clock Monday morning.

Lost by the following vote:

YEAS—8.

Calhoun,	Terrell,
Garrison,	Upshaw,
Simkins,	Woods,
Stinson,	Woodward.

NAYS—16.

Abercrombie,	Field,
Allen,	Frank,
Bell,	Gregg,
Burges,	Jarvis,
Burney,	Knittle,
Camp,	Lane,
Claiborne,	MacManus,
Douglass of J,	Pope.

ABSENT—3.

Douglass of G, McDonald.  
Glasscock,

The bill was passed to third reading

SENATOR UPSHAW

Moved to adjourn till 9:55 o'clock Monday morning.

Lost by the following vote, the President voting nay.

YEAS—12.

Allen,	MacManus,
Calhoun,	Pope,
Claiborne,	Stinson,
Garrison,	Terrell,
Jarvis,	Upshaw,
Knittle,	Woods.

NAYS—12.

Abercrombie,	Field,
Bell,	Frank,

Burges,  
Burney,  
Camp,  
Douglass of J.

Gregg,  
Lane,  
McDonald,  
Woodward.

ABSENT—3.

Douglass of G,  
Glasscock.

Simkins,

SENATOR TERRELL

Moved to adjourn till 11 o'clock Monday morning.

Lost by the following vote, the President voting nay.

YEAS—13.

Burges,  
Calhoun,  
Garrison,  
Glasscock,  
Jarvis,  
Knittle,  
Pope,

Simkins.  
Stinson.  
Terrell,  
Upshaw,  
Woods,  
Woodward.

NAYS—13.

Abercrombie,  
Allen,  
Bell,  
Burney,  
Camp,  
Claiborne,  
Douglass of J,

Field,  
Frank,  
Gregg,  
Lane,  
McDonald,  
MacManus,

ABSENT—1.

Douglass of G.

SENATOR BURNEY

Moved a call of the Senate.

Call sustained, roll called.

Senators Burges, Douglass of Grayson and Simkins were found absent without leave.

The Sergeant at arms was dispatched to bring in the absent Senators.

SENATOR BURGESS

Was announced at the door of the Senate.

On motion of Senator Garrison,

The Senate adjourned till 10:15 o'clock Monday morning by the following vote:

YEAS—17.

Abercrombie,  
Allen,  
Burges,

Calhoun,  
Douglass of J.  
Field,

Garrison.  
Glasscock,  
Gregg,  
Jarvis,  
Knittle,  
MacManus.

Pope,  
Stinson,  
Terrell,  
Upshaw,  
Woodward.

NAYS—8.

Bell,  
Burney,  
Camp,  
Claiborne,

Frank,  
Lane,  
McDonald,  
Woods.

ABSENT—2.

Douglass of G, Simkins.

#### FORTY-EIGHTH DAY.

SENATE CHAMBER, }  
AUSTIN, March 7, 1887. }

The Senate met pursuant to adjournment.

Lieut. Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the House chaplain, Dr. Mitchell.

On motion of Senator Terrell,

The reading of the Journal of Saturday was dispensed with.

On motion of Senator Woodward,

Senator Knittle was excused for the day on account of sickness.

#### PETITIONS AND MEMORIALS.

BY SENATOR CLAIBORNE:

Petition of citizens of Galveston county asking appropriation to sustain the State militia.

Referred to Committee on Military Affairs.

BY SENATOR LANE:

Petitions of citizens of Lee and Fayette counties asking for appropriation to maintain the State militia.

Referred to Committee on Military Affairs.

BY SENATOR FRANK:

Petition of citizens of Erath county asking to have manufactories exempt from taxation.

Referred to Committee on Constitutional Amendments.

BY SENATOR CLAIBORNE:

Petitions of citizens of Matagorda